

REMARKS

Claims 1, 2, 5 and 6 have been amended to recite specific sequences for METH1 and/or METH2. Support for the recited sequences can be found in the specification, for example, at pages 3, 96, and 99-103. Thus, no new matter is added by the amendments to the claims.

Rejections under 35 U.S.C. § 112, ¶2

Claims 4 and 8 were rejected under 35 U.S.C. § 112, ¶2 as indefinite for reciting "gene therapy means." Claims 4 and 8 have been canceled, rendering this rejection moot.

Rejections under 35 U.S.C. § 112, ¶1 - Enablement

Claims 1-8 were rejected under 35 U.S.C. §112, ¶1 as not enabled for gene therapy. Claims 1, 2, 5 and 6 have been amended to recite a method for treating an individual comprising administering an effective amount of a METH1 or METH2 polypeptide. Applicants respectfully submit that the amendments to the claims overcome this rejection.

Rejections under 35 U.S.C. § 112, ¶1 – Written Description

Claims 1-8 were rejected under 35 U.S.C. §112, ¶1 as failing to comply with the written description requirement. Claims 1, 2, 5 and 6 have been amended to recite a method for treating an individual comprising administering an effective amount of a METH1 or METH2 polypeptide. Applicants respectfully submit that the amendments to the claims overcome this rejection.

Rejections under 35 U.S.C. §102

Claims 1 and 5 were rejected under 35 U.S.C. §102(b) as anticipated by Bouck et al. (WO 93/16716) as evidenced by Vazquez et al. (FASEB Journal, 1997, Vol. 11, abstract #1947). Claims 1, 2, 5 and 6 have been amended to recite a method for treating an individual comprising administering an effective amount of a METH1 or METH2 polypeptide having a recited sequence. Applicants respectfully submit that the amendments to the claims overcome this rejection.

Bouck et al. merely discloses a method of treating vasculogenesis comprising administration of certain peptides derived from thrombospondin. Bouck et al. does not teach or

suggest the sequences of METH1 or METH2 that are now included in the claims. Applicants therefore request withdrawal of this rejection.

Rejections under 35 U.S.C. §103

Claims 1-3 and 5-7 were rejected under 35 U.S.C. §103(c) and potential 35 U.S.C. §102(e), (f) or (g) prior art under §103(a). Specifically, claims 1-3 and 5-7 were rejected under 35 U.S.C. §103(a) as unpatentable over O'Reilly et al. (US 5,639,725) in view of Bouck et al (WO 93/16716). Applicants respectfully submit that the amendments to the claims overcome this rejection.

O'Reilly et al teach a method of treating an individual by administering an angiostatin protein. As acknowledged by the Examiner, O'Reilly et al. does not teach or suggest the administration of METH2 polypeptides alone or in combination with another anti-angiogenic compound. Bouck et al. teach a method of treating vasculogenesis by administering certain peptides derived from thrombospondin.

Neither O'Reilly et al. nor Bouck et al. teach or suggest treating an individual by administering a METH1 or METH2 polypeptide having the sequences now included in the claims. Applicants therefore request withdrawal of this rejection.

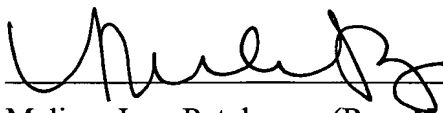
CONCLUSION

Applicants respectfully request that the remarks of the present response be entered and made of record in the present application. If any additional information is needed, Applicants respectfully request that the Examiner contact the undersigned to facilitate prosecution. The application is believed to be in condition for allowance and early notice to that effect is earnestly solicited. If a fee is required in connection with this paper, please charge Deposit Account No. 08-3425 for the appropriate amount.

Respectfully submitted,

Date: _____

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